THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20729 of 2007

Date:01-10-2007

Between:

Varkole Ramulu and another

...

Petitioners

AND

The State of A.P. rep. By its Tahsildar, Karimnagar and another

..

Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in seeking eviction of the petitioners from their house plots bearing Nos.692 and 689 respectively admeasuring 200 square yards each, situated in Sy.No.126 of Rekurthi village, Karimnagar mandal on the ground that it is an assigned land in the guise of invoking provisions of A.P. Assigned Lands (Prohibition of Transfers) act, 1977 which is not at all applicable to the case of petitioners and without even issuing a notice, as illegal and arbitrary.

It is the case of the petitioners that they have purchased the small extent of land each an extent of 200 square yards in Sy.No.126 of Rekurthi village, Karimnagar mandal in the layout approved by the Gram Panchayat for various plots. It is stated that the respondents are taking steps to dispossess the petitioners on the ground that the said lands in Sy.No.126 are assigned lands and therefore, the transfer of said lands in favour of the petitioners or their vendors is in contravention of the provisions of A.P. Assigned Lands (Prohibition of Transfers) act, 1977 and the Rules made
there-under.

Learned counsel for the petitioners submits that even assuming that the said lands are assigned lands, as per Rule 3 of the A.P. Assigned (Prohibition of Transfers) Rules, 2007, a notice has to be given in Form No.1 and Form II to the persons who have transferred and also to the persons who have acquired any assigned land before evicting them and without issuing any notice to the persons who are in occupation of the said land, the dispossession of the petitioners from

the said land cannot be just and proper.

It is stated that the provisions of A.P. Assigned Lands (Prohibition of Transfers) act, 1977 have been amended by G.O.Ms.No.208, Revenue (ASSN-POT), dated 22.02.2007 called "Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007" and as per Rule 3 of the A.P. Assigned (Prohibition of Transfers) Rules, 2007 the District Collector or the Authorised Officer shall, before taking action under clauses (a) and (b) of sub-section (1) of Section 4 of the Act, issue notices in Form No.1 and Form No.II to the persons who have transferred and also to the persons who have acquired any assigned land in contravention of the provisions of sub-section (2) or Section 3 of the Act.

It is stated that in the instant case, no such notice has been issued to the petitioners and therefore, the action of the respondents seeking dispossession of the petitioners without following due procedure of law is illegal.

Having regard to the facts of the case, I am of the opinion that the transferees are also entitled for a notice.

Accordingly, the writ petition is disposed of directing the first respondent not to dispossess the petitioners from their lands without following due process of law. Till then, status-quo obtained as on today shall be maintained. No costs.

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V.ESWARAIAH, J.

Date:01.10.2007
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